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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application Of: Thurman B. Hicks

Application Serial No: 10/699,342

Filed: November 3, 2003

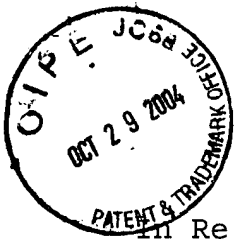
For: Dead Bolt Lock (Response to Requirement For Restriction)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

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John M. Harrison  
John M. Harrison

Oct 26, 2004  
Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application Of

John B. Walsh,

Thurman B. Hicks

Primary Examiner

Application Serial No: 10/699,342

Art Unit 2151

Filed: November 3, 2003

For: Dead Bolt Lock

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

RESPONSE TO REQUIREMENT FOR RESTRICTION

In his requirement for restriction under date of October 5, 2004, the Examiner stated that the above-captioned application contains claims directed to the following patentably distinct species of the claimed invention: species A, corresponding to drawing FIGURES 1-7; species B, corresponding to drawing FIGURES 8-12; species C, FIGURE 13; and species D, FIGURE 14. Under the provisions of U.S.C. 121, the Examiner required applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Accordingly, applicant provisionally elects claims 1-10 and 18-21 corresponding to species A illustrated in FIGURES 1-7 of the drawings, for prosecution on the merits if no generic claim is held to be allowable and respectfully traverses the Examiner's restriction

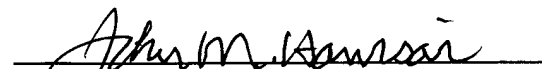
requirement, as follows:

Reference is made to MPEP 808.02, which states, "where the related inventions as claimed are shown to be distinct under the criteria of MPEP 806.05(c)-806.05(i), the examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following: (A) separate classification thereon...(B) a separate status in the art when they are classifiable together...(C) a different field of search...". MPEP continues, "where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions". It is respectfully submitted that the Examiner has failed to establish reasons for insisting upon restriction, by failing to show that the various claimed species belong to separate classifications or separate fields of search, or have acquired separate status in the art. All of the claims in the above-captioned application are drawn to a dead bolt lock having one or more front and rear plate slots provided in opposite surfaces thereof for receiving a dead bolt.

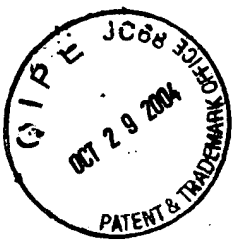
Accordingly, due to the overall common structure, function and purpose of the various claimed species, it is respectfully submitted that all of the claimed species are classifiable together, occupy the same status in the art and are in the same

field of search; therefore, no reasons exist for dividing among the related claimed inventions. Accordingly, reconsideration and withdrawal of the requirement for restriction is respectfully solicited.

Respectfully submitted,

  
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File #9144B  
Thurman B. Hicks  
(Response to Requirement For Restriction)

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